

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) C. CRAIG COLE AND (2) RUBY COLE, )  
husband and wife, )

Plaintiffs, )

v. )

Case No. CIV-14-445-C

(1) WEST AMERICAN INSURANCE COMPANY, )  
(2) SAFECO INSURANCE COMPANY, )  
(3) LIBERTY MUTUAL INSURANCE COMPANY, )  
(4) OHIO CASUALTY INSURANCE COMPANY, )  
and (5) AMERICA FIRST INSURANCE COMPANY )

Defendants. )

**NOTICE OF REMOVAL**

COME NOW Defendants, West American Insurance Company, Safeco Insurance Company, Liberty Mutual Insurance Company, Ohio Casualty Insurance Company and America First Insurance Company, and pursuant to 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c) state:

1. The above entitled suit was filed in the District Court of Oklahoma County, State of Oklahoma as Case No. CJ-2014-1655 on March 21, 2014. Defendants West American Insurance Company, Liberty Mutual Insurance Company, Ohio Casualty Insurance Company and America First Insurance Company were served through the office of the Oklahoma Insurance Commissioner on April 2, 2014. Defendant Safeco Insurance Company was served through the office of the Oklahoma Insurance Commissioner on April 10, 2014.

Receipt of service was the first notice defendants received of this suit. In accordance with 28 U.S.C. §1446(a) and LCvR 81.2, a copy of the docket sheet and a copy of all documents filed or served in the Oklahoma County case are attached to this Notice as Exhibit “1” through “15”.

2. Plaintiffs C. Craig Cole and Ruby Cole are residents and citizens of Oklahoma County, Oklahoma.

3. West American Insurance Company is a company organized under the laws of the State of Indiana and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts. Thus, West American Insurance Company is deemed to be a citizen of Massachusetts for purposes of diversity.

4. Safeco Insurance Company of America is a company organized under the laws of the State of New Hampshire and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts. Thus, Safeco Insurance Company of America is deemed to be a citizen of Massachusetts for purposes of diversity.

5. Liberty Mutual Insurance Company is a company organized under the laws of the State of Massachusetts and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts. Thus, Liberty Mutual Insurance Company is deemed to be a citizen of

Massachusetts for purposes of diversity.

6. Ohio Casualty Insurance Company is a company organized under the laws of the State of New Hampshire and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts. Thus, West American Insurance Company is deemed to be a citizen of Massachusetts for purposes of diversity.

7. Defendant America First Insurance Company is licensed to do business in the State of Oklahoma; it is a company organized under the laws of the State of New Hampshire and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts; therefore, America First Insurance Company, is deemed to be a New Hampshire citizen for purposes of diversity.

8. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1332. Removal is proper pursuant to 28 U.S.C. §1441, et seq.

9. In this case, Plaintiffs bring causes of action for breach of an insurance contract and bad faith arising from a claim relating to hail damage.

10. The Petition alleges that Plaintiffs suffered damages “in excess of \$75,000.00.” Thus, the amount in controversy exceeds the amount which is required for diversity jurisdiction.

11. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has jurisdiction because of the complete diversity of citizenship of the parties and there is a sufficient amount in

controversy.

12. Pursuant to 28 U.S.C. § 1446(a), Defendants acknowledge that this Notice of Removal is signed and filed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants, West American Insurance Company, Safeco Insurance Company, Liberty Mutual Insurance Company, Ohio Casualty Insurance Company and America First Insurance Company, request this Notice of Removal be accepted by this Court and that the lawsuit proceed as an action properly removed to this Court's jurisdiction.

Respectfully submitted,

WILSON, CAIN & ACQUAVIVA  
300 Northwest 13<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73103  
Telephone: (405) 236-2600  
Facsimile: (405) 236-2607

/s/ Barbara K. Buratti

Tim D. Cain, OBA #11779

Barbara K. Buratti, OBA #12231

[TimC@wcalaw.com](mailto:TimC@wcalaw.com)

[BarbaraB@wcalaw.com](mailto:BarbaraB@wcalaw.com)

***Attorneys for Defendants, West American Insurance Company, Safeco Insurance Company, Liberty Mutual Insurance Company, Ohio Casualty Insurance Company and America First Insurance Company***

**CERTIFICATE OF SERVICE**

X I hereby certify that on May 1 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

W.R. Cathcart, OBA #1566  
2807 Classen Boulevard  
Oklahoma City, OK 73106  
Phone: 405-524-1110  
Facsimile: 405-524-4143  
***Attorney for Plaintiffs***

/s/ Barbara K. Buratti

Barbara K. Buratti